UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

IN RE GOOGLE INC. COOKIE PLACEMENT CONSUMER PRIVACY LITIGATION	))))) **Case No. 12-MD-2358 (SLR)**
This Document Relates to: ALL ACTIONS	)))))

<u>**DECLARATION OF JAMES P. FRICKLETON IN SUPPORT OF MOTION FOR**</u>
<u>**PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**</u>

I, James P. Frickleton, having first been duly sworn, declare:

1. I am a partner in the law firm of Bartimus, Frickleton, Robertson & Rader, P.C., one of the lead counsel appointed by the Court in this MDL and am a member of the Executive Committee in this case. This declaration is based on my own personal knowledge and if called to testify, I could and would competently testify hereto under oath.

2. This declaration in submitted contemporaneously with and in support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement with Defendant Google LLC ("Google"), for certification of a settlement class and for the appointment of Plaintiffs Jose M. Bermudez, Nicholas Todd Heinrich, and Lynn Krause as Class Representatives for the Settlement Class and for the appointment of class counsel to represent the Settlement Class.

3. I submitted a previous declaration in support of this settlement on August 29, 2016 (Doc. 163-3). That Declaration is also attached hereto and incorporated fully by reference.

4. Also on August 29, 2016, my co-lead counsel Brian Strange submitted a declaration in support of this settlement (Doc. 163-1). Mr. Strange has also submitted an additional contemporaneous declaration in support of this current motion. I will not repeat all of the factual statements recited in Mr. Strange's declaration concerning the history and the terms of the

proposed settlement. All of those statements are accurate.

5. Given the size of the potential class and the issues involved, the parties believe that the distribution of the Settlement Fund to *cy pres* recipients who will agree to use the funds to promote public awareness and education and/or support research, development, and initiatives related to the security and/or privacy of Internet browsers is the best use of the settlement proceeds.

6. In addition, Google will provide Class Counsel with assurances that it implemented systems configured to instruct Safari web browsers to expire any cookie placed from the doubleclick.net domain by Google if those systems encountered such a cookie, with the exception of the doubleclick opt-out cookie, until the time that all cookies places from the doubleclick.net domain by Google on Safari web browsers through February 15, 2012 should have expired by design.

7. On November 16, 2012, this Court appointed my firm as one of the lead counsel in this MDL pursuant to Rule 23(g)(3) of the Federal Rules of Civil Procedure. In doing so, the Court noted our firm's "experience in large class actions and with substantial privacy rights litigation," our "impressive credentials and the underlying qualifications to serve as lead counsel," and we have served as co-lead counsel in this case since that time.

8. The Court's file reflects the experience in complex civil and class action litigation that gave rise to my firm's appointment as co-lead counsel in this case and I will not repeat it here. However, that experience leads me to conclude that this proposed settlement is fair and reasonable should be preliminarily approved.

9. As set forth in the Declaration of Amanda Sternberg, class notice requirements in this case are met in that the best notice that is practicable under the circumstances was directed to class

members. Notably, no class members, including the sole objector to the prior settlement, objected

to the type or efficacy of the notice served to the class in this case.

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct.

Executed this 3rd day of January, 2019, at Leawood, Kansas.

/s/ James P. Frickleton